

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NICHOLAS IPPOLITO,

Plaintiff,

DECISION AND ORDER

05-CV-6683L

v.

GLENN GOORD, Commissioner of New York  
State Department of Correctional Services, et al.,

Defendants.

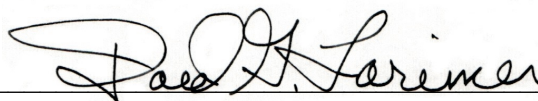
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The *pro se* plaintiff in this prisoner civil rights action has moved for summary judgment on his claims arising out of his alleged denial of medical treatment by defendants. The motion is denied. Pursuant to the Court's November 16, 2007 scheduling order (Dkt. #123), discovery in this action will not be completed until April 24, 2008. Moreover, on the record before me I certainly cannot find that "there is no genuine issue as to any material fact and that [plaintiff] is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(c).

**CONCLUSION**

Plaintiff's motion for summary judgment (Dkt. #126) is denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 8, 2008.